

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

953 CIVIL APPLICATION NO.7165 OF 2022
IN FAST/36819/2019

SUNITA SHRIHARI KALE AND OTHERS
VERSUS
BHASKAR SAMBHAJI MAKODE

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Advocate for Applicants : Mr. Murlidhar S. Karad.

Advocate for Respondent : Mr. B. B. Kulkarni, h/f Mr. K. C. Sant.

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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 05th May, 2022.

P.C.:

. It is an application for withdrawal of compensation amount moved by the applicants/claimants.

2 Heard Mr. M. S, Karad, learned counsel for the applicants/claimants and Mr. B. B. Kulkarni, holding for Mr. K. C. Sant, learned counsel for the respondent/appellant. Perused the impugned judgment and award passed in W.C.A. No.27 of 2013.

3 It is revealed during course of argument that the Commissioner for Workmen's Compensation and Civil Judge Senior Division, Osmanabad was pleased to determine the amount of compensation at Rs.5,09,270/- and the same has been deposited with the Commissioner.

4 Mr. Karad, learned counsel for the applicants/claimants is seeking withdrawal of entire amount of compensation deposited by the appellant.

5 Mr. B. B. Kulkarni, holding for Mr. Sant, learned counsel for the respondent strongly opposed to allow this application. He submitted that this application may be decided alongwith the appeal.

6 It is revealed that the earning member of the family of applicants has lost his life while in the employment of appellant, which is in dispute. After considering the submissions of the learned counsel for both the sides and looking to the facts of the case and the findings recorded by the Commissioner for Workmen's Compensation, I am convinced to allow the claimants to withdraw 50% of the amount of compensation deposited by the appellant with the Commissioner so that it may give some help to the family of the deceased. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed as under:
- II. The applicants/claimants are hereby permitted to withdraw 50% of the amount of compensation on

furnishing usual undertaking with the Commissioner for Workmen's Compensation where the amount is deposited.

III. The application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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